

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 27th day of  
June, 2006.

The Staff of the Missouri Public Service Commission,	)	
	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. GC-2006-0378</u></b>
	)	
Missouri Pipeline Company, LLC; Missouri Gas Company, LLC; Mogas Energy, LLC; United Pipeline Systems, Inc.; and Gateway Pipeline Company, LLC.	)	
	)	
Respondents.	)	

**ORDER ADOPTING PROCEDURAL SCHEDULE**

Issue Date: June 27, 2006

Effective Date: June 27, 2006

On June 16, 2006, the Commission ordered its Staff to file a proposed procedural schedule by June 22. The Commission also ordered that any party that wanted to file its own proposed procedural schedule should do so by the same date. Staff and the Respondents filed separate proposed procedural schedules on June 22. One of the intervenors, the Secretary of Defense, filed its own proposed procedural schedule on June 21, but it is substantially identical to the schedule proposed by Staff. Staff represents that counsel for the Office of the Public Counsel, AmerenUE and the Municipal Gas Commission of Missouri do not oppose the schedule proposed by Staff.

A side-by-side comparison of the competing schedules proposed by Staff and the Respondents looks like this:

Event	Staff's Proposed Date	Respondents' Proposed Date
Direct Testimony	October 24, 2006	October 24, 2006
Rebuttal Testimony	December 1, 2006	February 21, 2007
Prehearing Conference		April 3, 2007
Surrebuttal Testimony	January 11, 2007	April 16, 2007
Issues List, Order of Witnesses and Order of Cross Examination	February 9, 2007	May 2, 2007
Prehearing Briefs	February 16, 2007	May 9, 2007
Evidentiary Hearing	February 26-March 9, 2007	May 21-June 1, 2007

The chief difference between the competing proposals results from the date proposed for the filing of rebuttal testimony. Staff proposes that the Respondents be required to file rebuttal testimony on December 1, 36 days after Staff files its direct testimony. The Respondents contend that such a short amount of time would not allow them to properly prepare their testimony to rebut Staff's direct testimony. Instead of only 36 days, they suggest that the Commission allow 120 days for the preparation and filing of rebuttal testimony. The time allowed between other events in the competing procedural schedules is essentially identical, so the only dispute between the parties is how long to allow for the preparation of rebuttal testimony.

After considering the arguments of the parties, the Commission agrees with the Respondents that 36 days is not sufficient to allow the Respondents to prepare their rebuttal testimony. However, the Respondents' request for 120 days is excessive. The

Commission will order that Staff file its direct testimony one week earlier to allow more time for the preparation of rebuttal testimony. Otherwise, the Staff's proposed procedural schedule will be adopted.

The Commission will apply the following conditions to the procedural schedule:

(A) The Commission will require that testimony be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.

(B) Pursuant to Commission Rule 4 CSR 240-2.130(15), testimony and schedules may not be filed under seal and treated as proprietary or highly confidential unless the Commission has first established a protective order. Any testimony or schedule filed without a protective order first being established will be considered public information.

(C) The parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. Any issue not contained in this list of issues will be viewed as uncontested and not requiring resolution by the Commission.

(D) Each party shall file a prehearing brief, and in addition shall file a simple and concise statement summarizing its position on each disputed issue.

(E) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(F) All parties are required to bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the

party offering it should bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.

(G) The Commission is hesitant to continue the scheduled hearing at the last minute to allow the parties more time to negotiate a settlement. Therefore, the parties are put on notice that the Commission will not grant a motion for continuance of the hearing filed less than a week before the beginning of the hearing unless a stipulation and agreement is filed along with the motion for continuance.

**IT IS ORDERED THAT:**

1. The following procedural schedule is established:

<b>Direct Testimony by Staff</b>	-	<b>October 17, 2006</b>
<b>Rebuttal Testimony by Respondents, and Intervenors</b>	-	<b>December 1, 2006</b>
<b>Prehearing Conference</b>	-	<b>January 4, 2007 1:00 p.m., Room 305</b>
<b>Surrebuttal Testimony by Staff Cross-Surrebuttal by Respondents and Intervenors</b>	-	<b>January 11, 2007</b>
<b>Issues List, Order of Issues, Order of Witnesses, and Order of Cross</b>	-	<b>February 9, 2007</b>
<b>Prehearing Briefs and Statements of Position</b>	-	<b>February 16, 2007</b>
<b>Hearing</b>	-	<b>February 26 through March 9, 2007, beginning at 8:30 a.m.</b>

2. The hearing will be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need

additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

3. This order shall become effective on June 27, 2006.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur

Woodruff, Deputy Chief Regulatory Law Judge